



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

[REDACTED]
Docket No: 4044-16

JUN 19 2017

[REDACTED]
Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552. Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 6 April 2017. The names and votes of the members of the panel will be furnished upon request. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

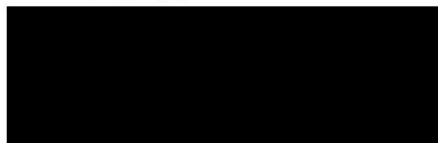
You enlisted in the Marine Corps and began a period of active duty on 27 October 2003, after being granted a pre-service drug waiver for marijuana use. On 20 May 2004, you received nonjudicial punishment (NJP) for wrongful use of marijuana. On 17 June 2004, you received NJP for 11 days of unauthorized absence and breaking restriction. Subsequently, administrative discharge action was initiated by reason of misconduct due to drug abuse. After being afforded all of your procedural rights, your commanding officer recommended that you receive an other than honorable (OTH) discharge by reason of misconduct due to drug abuse. The separation authority approved this recommendation and directed separation under OTH conditions by reason of misconduct. You were discharged with an OTH characterization of service on 1 September 2004.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board, in its review of your application, carefully weighed all potentially mitigating factors and your desire to upgrade your discharge to an honorable characterization of service and change

your narrative reason for separation, separation code, and reentry code to be indicative of honorable service. The Board also considered your contentions that you suffered from mental abuse during your time at Marine Corps Recruit Depot which resulted in unnoticed and untreated mental instability. The Board considered your contention that you were forced to over-hydrate which can lead to serious health problems, often involving the central nervous system. Additionally, the Board noted your contention that, fearing abuse and needing to mentally suppress events, you smoked marijuana. Further, the Board considered your contention that your instability has continued beyond separation resulting in you overdosing on aspirin and a weight loss drug. Lastly, the Board noted your assertion that your command failed to maintain records of the abuse reported to them on three separate occasions. However, the Board concluded these factors were not sufficient to warrant relief in your case given the seriousness of your misconduct. The Board concluded the severity of your misconduct clearly supported the Commanding Officer's decision to process you administratively for an OTH discharge. Additionally, the Board noted that the record shows you were notified of and waived your procedural right to present your case to an administrative separation board. In doing so, you gave up your first and best opportunity to advocate for retention or a more favorable characterization of service. Accordingly, your application has been denied.

It is regretted that the circumstances of your case are such that favorable action cannot be taken at this time. You are entitled to have the Board reconsider its decision upon the submission of new and material evidence. New evidence is evidence not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

A large black rectangular redaction box covering the signature of the Executive Director.

Executive Director